

## **TIMBER HARVESTING PLAN EXEMPTION**

**5461**

(No. 3 June 1991)

Regulation 14 CCR §1038.1 requires the timber operator to file a written notice with the director of any timber operation location exempt from THP requirements. The notice is required for any operation for which a timber operator license is required but which is exempted from the THP requirements.

An exemption cannot be treated as a discretionary permit under CEQA because the Director does not approve or deny a notice when it is received. It is assumed that timber operations have already commenced when a notice is received. Exemptions may be returned if they are not accurate and complete. Return of an exemption can be based on nonconformance with 14 CCR §1038.1 or improper submission. The person responsible for the timber operation shall be notified as soon as possible that the exemption notice was not properly submitted. If there is reason to believe that the exemption is not proper, an immediate inspection of the area is warranted.

Form RM-73 shall be used to submit the notice of timber operations exempt from THP requirements. An improperly completed notice of exempt operations shall be returned with a cover letter similar to that in the Incomplete Exemption Notice (not available in e-format).

The department may enter into an agreement with an RPF representing the submitter of an exemption notice to provide for waiver of specific RPF requirements. The agreements for these waivers must be written, signed by the RPF and the Director's designee, and contain a statement that operations will have only minimum impact on the forest resources. A copy of the agreement shall become a part of the official record.

Exemptions shall be numbered in the upper right-hand corner of the form when they are received for purpose of identification and reference. The following statewide numbering system shall be used:

- Region designation (one digit).
- Year (two digits).
- Exemption abbreviation (EX).
- Region sequence number of the exemption.
- County Abbreviations (not available in e-format).
- Example: 2-77EX-12PLA.

The Exemption Receipt Format (not available in e-format) provides the appropriate format for acknowledging receipt of the exemption.

In the Tahoe Basin, exemptions for commercial timber operations on ownership of less than three acres are treated differently than in other parts of the state. The Tahoe Regional Planning Agency (TRPA) Tahoe Basin Tree Permit may be used in lieu of the Notice of Exemption for commercial operations that meet the requirements of 14 CCR § 1038(c).

This action requires the following administrative changes in the handling of exemptions in the Tahoe Basin:

- Since department staff assists TRPA in administering the Tahoe Basin Tree Removal Permit, staff should identify those permits that are for commercial operations on ownership of less than three acres.
- The timber owner for the identified permits shall be informed that the permit is being treated as the equivalent of our Notice of Exemption, that the RPFs apply, and that a licensed timber operator is required.
- Copies of the identified permits shall be forwarded to the appropriate region office where they shall be processed like any other exemption (assign exemption number and distribute to the Board of Equalization and others).

If during the inspection of an exemption it is discovered that the timber operation does not meet the conditions for an exemption, proper enforcement action should be promptly initiated. This includes filing a complaint with the RPF Examining Committee, if appropriate.

**FORMS AND/OR FORMS SAMPLES: RETURN TO ISSUANCE HOME PAGE FOR FORMS/FORMS SAMPLES SITE LINK.**

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